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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,755	06/29/2001	Mami Uchida	SONYJP 3.0-184	1030
7590 09/01/2009 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090-1497				
EXAMINER CHOWDHURY, SUMAIYA A				
ART UNIT 2421		PAPER NUMBER		
MAIL DATE 09/01/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/895,755

Applicant(s)

UCHIDA ET AL.

Examiner

SUMAIYA A. CHOWDHURY

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/22/09 have been fully considered but they are not persuasive.

(a) Applicant argues that in the previous Office Action "The Examiner admitted that Allison does not disclose determining whether a request for EPG information has been made, and accepting a viewing/recording schedule for a desired program."

The Examiner used Proehl in the previous Office Action to teach that particular limitation and continues to do so in this Office Action. Proehl teaches "determining whether a request for EPG information has been made, and accepting a viewing/recording schedule for a desired program" in col. 2, lines 38-42 and col. 8, lines 30-60.

(b) In addition, Allison does not appear to disclose or suggest determining whether a request for EPG information has been made while a selected date display, which is created in response to a determination that a date in a calendar is selected, is being displayed, and determining whether a request for a viewing or recording reservation of a desired program has been made while an EPG display for the selected date, which is created in response to a determination that a request for EPG information has been made while the selected date display is being displayed, as required by the claimed invention". On page 6, 2nd paragraph of the Remarks filed 6/22/09.

Applicant is arguing the newly amended claim limitations. In this Office Action, Proehl is used to teach the newly amended claim limitations. In particular in Fig. 10, Proehl teaches the user at the moment is viewing the day planner for the date of July 17. On the right hand panel, the user can select to view the epg by selecting the "go to guide" button 1008 (col. 8, lines 30-60). Proehl further teaches from the epg, the user can select to record or to set a reminder of a program or programs (Col. 8, lines 13-22). From the day planner, the user can select to view the epg. When the user selects the epg, programming is displayed starting from the date displayed in the day planner (col. 8, lines 47-60). Proehl teaches that the user can select to record or set a reminder for programming from the epg (col. 6, line 61-col. 7, line 16).

(c) Applicant argues "The applied portions of Proehl, which appear to disclose displaying a calendar for a plurality of days or a selected day which includes scheduling information for broadcast activity previously selected by a user, do not cure the deficiencies of Allison with respect to the requirements of the claimed invention" on page 6, 3rd paragraph.

In Fig. 9, Proehl teaches displaying a calendar for the month of July. Proehl goes on to teach the claimed invention in which the user selects July 17th as a date, and then schedules broadcast activity (recording/reservation reminders) for that date, and can also select to view the epg for the selected date from the selected date screen. Proehl additionally teaches that while the user is viewing the monthly calendar, the user can select an epg icon to view an epg. (col. 8, lines 13-22, lines 30-60, col. 6, line 61-col. 7,

line 16). As such, Applicant's arguments that Proehl fails to cure the deficiencies and that Proehl does not teach the claim limitations are erroneous.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Proehl (6532589).

As for claims 17 and 18, Proehl discloses a schedule apparatus, comprising:

Means (RAM 51) for receiving electronic program guide information (col. 4, lines 14-18);

means for creating a calendar (TV Planner - Fig. 9) including a plurality of dates and displaying the created calendar on a display device (col. 7, lines 30-35);

first means for determining whether a date from said calendar has been selected (User selects July 17 (914 – Fig. 9); col. 8, lines 25-30);

means for creating a selected date display (Fig. 10) and displaying the created selected date display on the display device, and second means for determining whether a request (1008 – fig. 10) for the EPG information has been made while the selected date display is being displayed on the display device (Referring to Fig. 10, the user at the moment is viewing the day planner for the date of July 17. On the right hand panel, the user can select to view the epg by selecting the "go to guide" button 1008; col. 8, lines 30-60);

means for creating an EPG display for the selected date and displaying the created EPG display on the display device, responsive to a determination from the second determining means that the request for the EPG information has been made while the selected date display is being displayed on the display device (col. 8, lines 30-60);

third means for determining whether a request for a viewing or recording reservation of a desired program or programs has been made while the EPG display is being displayed on the display device (From the epg, the user can select to record or to set a reminder of a program or programs; Col. 8, lines 13-22);

fourth means, responsive to a determination from the first determining means that the date has been selected, for accepting an input of user schedule information in which a user is able to edit a personal event or events of the selected day, and responsive to determinations from the first and second determining means, respectively, that the date has been selected and that the request for the EPG information has been made while the selected date display is being displayed, causing said EPG information which comprises at least program guide information of the selected date to be displayed on

the EPG display (From the day planner, the user can select to view the epg. When the user selects the epg, programming is displayed starting from the date displayed in the day planner; col. 8, lines 47-60), and responsive to the determination from the third determining means that the request for the viewing or program reservation of the desired program or programs has been made while the EPG display for the selected date is being displayed on the display screen, for accepting a viewing or recording reservation schedule for a desired program or programs (Proehl teaches that the user can select to record or set a reminder for programming from the epg; col. 6, line 61-col. 7, line 16); and

means for controlling display of the schedule information of the user's personal event or events and schedule information of the program or programs to be viewed or recorded on said calendar (Fig. 9; col. 8, lines 10-30, col. 6, lines 15-21).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

/Sumaiya A Chowdhury/
Examiner, Art Unit 2421